

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated July 10, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, claims 1-2, 4-7 and 9 are amended for better conformance to U.S. practice, such as deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Further amendments include beginning the dependent claims with 'The' instead of 'A' and correcting informalities that were noted upon a review of the claims. The claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

Claims 1-2 and 4-9 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,815,889 to Haacke ('889). Furthermore, claims 1-2 and 4-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over '889. These rejections are respectfully traversed. It is respectfully submitted that the claims 1-2 and 4-18 are allowable over '889 for at least the following reasons.

'889 is directed to a high pressure gas discharge lamp suitable for use in the automobile industry as shown in FIG 1a. The Final Office Action on page 2 states and Applicants strongly disagree that "'889 teaches...the quantity of the light-generating substances in the discharge space (2) is reduced by a second factor which is determined in dependence on the value of the first factor and on the distance, defined by the asymmetry, of the electrodes (3) to the bottom surface (10, 11) that is lowermost in the operational position of the lamp".

In fact, there is simply no disclosure or suggestion of reducing the quantity of the light-generating substances in '889. '889 teaches a gas filling of 300 μg and provides no further indication of reducing the gas filling (col. 7, lines 58-59). In fact, '889 specifically teaches (emphasis added) "the volume of the discharge space 2 is approximately 20 μl and the bottom surface 10 is raised by at most approximately 0.5 mm, the same gas filling [as a prior example having 27 μl , see, col. 7, lines 57-58] results in a burning voltage of approximately 50 V and a luminous flux of approximately 3050 lm." So '889 teaches maintaining the same gas filling even when reducing the discharge space from 27 μl to 20 μl !

Furthermore, there is certainly no disclosure or suggestion of reducing the light-generating substances by a second factor which is determined in dependence on the value of the first factor and on the distance, defined by the asymmetry, of the electrodes to the bottom surface that is lowermost in the operational position of the lamp as required by claims 1 and 10 of the present application. In '889, there is simply no discussion or suggestion of reducing the light-generating substances AT ALL as discussed above, and certainly not a teaching of reducing the light-generating substances by a second factor which is dependent on a first factor and on the distance of the electrodes to the bottom surface.

Accordingly, it is respectfully submitted that the lamps of claims 1 and 10 are not anticipated by '889 or made obvious by the teachings of '889. For example, '889 does not disclose or suggest, a lamp that amongst other patentable elements, comprises (illustrative emphasis provided) "a high-pressure discharge lamp with an asymmetrical discharge space...whereby the discharge space has a volume which is reduced by a given first factor in comparison with the volume of the discharge space...in that a quantity of light-generating substances in the discharge space is reduced by a second factor which is determined in dependence on a value of the

first factor and on the distance, defined by the asymmetry, of the electrodes to the bottom surface that is lowermost in the operational position of the lamp" as required by claims 1 and 10.

Further, with regard to the rejection of claim 1 in the Final Office Action, the Final Office Action alleges on page 3 that "volume of the discharge space is approximately 18 microliters (read approximately 20 microliters)" and that the '889 reference "implies 18 microliters by the range 'approximately 20 microliters'". The Applicants respectfully disagree to both statements. "Approximately 18 microliters" simply cannot be read as "approximately 20 microliters" as alleged by the Final Office Action. Even if these terms are considered ranges, they are two different ranges, and one range does not teach or suggest another range.

Furthermore, the Response to Arguments on page 4 of the Final Office Action alleges that "[t]he volumes of 18 and 20 are so close as to be reasonable considered to fall within the term 'approximately'". The Applicants again respectfully disagree. Even if the term "approximately 20 microliters" does signify a range of volume, putting this term "approximately" in front of two different volumes clearly produces two different volume ranges as

discussed above. Moreover, there is no disclosure or suggestion in '889 that these volumes of approximately 18 and 20 microliters are the same. In fact, '889 teaches two volumes, "approximately 27 μ l" (see, discussion above and col. 7, line 58 of '889) and "approximately 20 μ l" (see, discussion above and col. 8, line 1 of '889). '889 further teaches that for the "approximately 20 μ l" volume, (emphasis added) "the bottom surface 10 is raised by at most approximately 0.5 mm ..." which results in the smallest disclosed volume, namely "approximately 20 μ l ...". Since '889 teaches raising the bottom surface at most approximately 0.5 mm, how can it be said that '889 teaches a lower volume of "approximately 18 μ l" as recited in claim 1.

Accordingly, it is respectfully submitted that the lamp of claim 1 and 12 are not anticipated by '889 or made obvious by the teachings of '889. For example, '889 does not disclose or suggest, a lamp that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the volume of the discharge space is approximately 18 μ l" as required by claims 1 and 12 of the present application.

Additionally, the Final Office Action broadly alleges and Applicants strongly disagree that the logic that one value or

amount can read or teach another value or amount, that is used by the Office Action to reject independent claim 1 discussed above, can be similarly used to reject dependent claims in the present application. Regarding claims 4, 13 and 5, 14, '889 fails to disclose or suggest the further claimed limitations. '889's disclosed amount of light-generating substances of 300 μ g is not the same as, and is substantially different from, 200 μ g as required by claims 4 and 13. Further, '889's disclosed dimension of raising the bottom surface by at most approximately 0.5 mm is not the same as, and is substantially less than, approximately 1 mm as required by claims 5 and 14 of the present application.

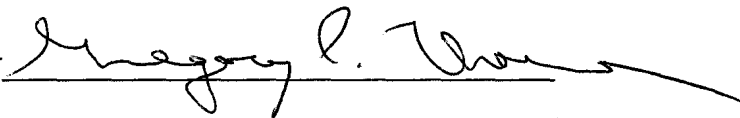
With regard to claims 7, 16 and 9, 18, the Final Office Action alleges that these limitations in claims 7, 16 and 9, 18 are shown or taught without pointing to any specific section or part of '889. After careful inspection of '889, it is respectfully submitted that these limitations are nowhere disclosed or suggested within the four corners of '889. Should this rejection be maintained, it is respectfully requested that the maintained rejection include an indication as to where these features may be found in '889 to provide the Applicants an opportunity to fully respond.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 10 are patentable over '889 and notice to this effect is earnestly solicited. Claims 2, 4-9 and 11-18 respectively depend from one of claims 1 and 10 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
August 14, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101